ELECTRONIC FRONTIER FOUNDATION
CINDY COHN (145997)
cindy@eff.org
LEE TIEN (148216)
tien@eff.org
KURT OPSAHL (191303)
kurt@eff.org
KEVIN S. BANKSTON (217026)
bankston@eff.org
CORYNNE MCSHERRY (221504)
corynne@eff.org
JAMES S. TYRE (083117)
jstyre@eff.org
454 Shotwell Street
San Francisco, CA 94110
Telephone: 415/436-9333
415/436-9993 (fax)

TRABER & VOORHEES
BERT VOORHEES (137623)
bv@tvlegal.com
THERESA M. TRABER (116305)
tmt@tvlegal.com
128 North Fair Oaks Avenue, Suite 204
Pasadena, CA 91103
Telephone: 626/585-9611
626/ 577-7079 (fax)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN, on Behalf of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

AT&T CORP., et al.

Defendants.

No.C-06-0672-VRW

CLASS ACTION

DECLARATION OF CINDY A. COHN IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Dockets.Justia.com

1. I am an attorney of record for plaintiffs in this action and a member of good standing of the California State Bar, and am admitted to practice before this Court. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of the following newspaper article: Leslie Cauley and John Diamond, *Telecoms Let NSA Spy On Calls*, USA Today, Feb. 6, 2006, *available at* <http://www.usatoday.com/news/washington/2006-02-05-nsa-telecoms_x.htm>.

3. Attached hereto as Exhibit B is a true and correct copy of the following newspaper article: Dionne Searcey, Shawn Young and Amol Sharma, *Wiretapping Flap Puts Phone Firms Under Fire*, Wall St. Jour., Feb. 7, 2006, *available at* <http://online.wsj.com/article/SB113927208033266657.html?mod=article-outset-box> (subscription required).

4. Attached hereto as Exhibit C is a true and correct copy of the following newspaper article: Eric Lichtblau and James Risen, *Spy Agency Mined Vast Data Trove, Officials Report*, N.Y. Times, Dec. 24, 2005, *available at* <http://www.nytimes.com/2005/12/24/politics/24spy.html?ex=1293080400&en=016edb46b79bde83&ei=5090>.

5. Attached hereto as Exhibit D is a true and correct copy of the following article: Shane Harris and Tim Naftali. *Tinker, Tailor, Miner, Spy: Why the NSA's Snooping is Unprecedented in Scale and Scope*, Slate.com, Jan. 3, 2006, *available at* <http://www.slate.com/id/2133564/>.

6. Attached hereto as Exhibit E is a true and correct copy of an excerpt from the following book: JAMES RISEN, STATE OF WAR: THE SECRET HISTORY OF THE CIA AND THE BUSH ADMINISTRATION 46-51 (2006).

7. Attached hereto as Exhibit F is a true and correct copy of the following newspaper article: Dafna Linzer and Carol D. Leonnig, *Surveillance Net Yields Few Suspects: NSA's Hunt for Terrorists Scrutinizes Thousands of Americans, But Most Are Later Cleared*, Washington Post,

Feb. 5, 2006, at A01, *available at* <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/04/AR2006020401373.html>.

8. Attached hereto as Exhibit G is a true and correct copy of the following newspaper article: Morton Kondracke, *NSA Data Mining is Legal, Necessary, Chertoff Says*, Roll Call Newspaper, Jan. 25, 2006, *available at* <http://www.reporter-times.com/?module=displaystory&story_id=30032&format=html>.

9. Attached hereto as Exhibit H is a true and correct copy of the following document: "The AT&T Advantage, First Quarter 2004," *available at* <http://www.att.com/about/docs/052004_attadvantage.pdf>.

10. Attached hereto as Exhibit I is a true and correct copy of the following document: "SBC Investor Briefing, January 31, 2005, No.246," *available at* <http://sbc.merger-news.com/downloads/sbc_att_IB.pdf>.

11. Attached hereto as Exhibit J is a true and correct copy of the following newspaper article: James Risen and Eric Lichtblau, *Bush Let U.S. Spy on Callers Without Courts*, New York Times, Dec. 15, 2006. *See* <http://www.nytimes.com/2005/12/16/politics/16program.html>.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct of my personal knowledge. Executed this 29th day of March, 2006, in San Francisco, California.

/s/ Cindy Cohn

Pursuant to General Order 45(x)

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

Reed R. Kathrein

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via FedEx to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ REED R. KATHREIN
REED R. KATHREIN

LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP
100 Pine Street, 26th Floor
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

E-mail: ReedK@lerachlaw.com

Mailing Information for a Case 3:06-cv-00672-VRW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Kevin Stuart Bankston**
  bankston@eff.org
- **Cindy Ann Cohn**
  cindy@eff.org wendy@eff.org;barak@eff.org
- **Bruce A. Ericson**
  bruce.ericson@pillsburylaw.com
- **Jeff D Friedman**
  JFriedman@lerachlaw.com RebeccaG@lerachlaw.com
- **Eric A. Isaacson**
  erici@lerachlaw.com jackiew@lerachlaw.com
- **Reed R. Kathrein**
  reedk@lerachlaw.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Corynne McSherry**
  corynne@eff.org
- **Maria V. Morris**
  mariam@mwbhl.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Kurt Opsahl**
  kurt@eff.org
- **Shana Eve Scarlett**
  shanas@lerachlaw.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Theresa M. Traber, Esq**
  tmt@tvlegal.com
- **James Samuel Tyre**
  jstyre@jstyre.com jstyre@eff.org
- **Bert Voorhees**
  bv@tvlegal.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Lee Tien

Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Lee Tien
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110